

1 NEW SECTION. **Sec. 101.** FINDINGS AND INTENT. (1) The legislature
2 finds that Puget Sound and related inland marine waterways, such as the
3 Strait of Juan de Fuca and Hood Canal, and the lakes, rivers, and
4 streams that flow to them represent a unique and unparalleled resource
5 to the state of Washington with a rich and varied range of freshwater
6 and marine organisms, comprising an interdependent, sensitive communal
7 ecosystem. Residents of this region enjoy a way of life centered
8 around these waters, featuring accessible recreational opportunities,
9 world-class port facilities and water transportation systems, harvest
10 of marine food resources, shoreline-oriented life styles, water-
11 dependent industries, tourism, irreplaceable aesthetics, water for
12 domestic, agricultural, and industrial uses, and other activities, all
13 of which depend upon clean and healthy marine and freshwater resources.

14 (2) The legislature finds that Puget Sound is in serious decline.
15 Symptoms include the decline of some of our most revered species, such
16 as salmon and orcas; increase in aquatic nuisance species; and the
17 conversion of forest lands to cityscapes, which has negatively impacted
18 many birds and mammals, along with altering the flow of rivers and
19 streams. These flow changes begin from land and run to sea, carrying
20 polluted runoff from human development. Closures of beaches to
21 shellfish harvest due to the risk of disease have become more frequent
22 and widespread. In places such as Hood Canal, the Sound's circulatory
23 system is failing, and its inability to maintain sufficient oxygen
24 levels has led to devastating fish kills and the death of other marine
25 life. If left unchecked, these conditions will increase in frequency
26 and will spread to other areas of Puget Sound.

27 (3) The legislature finds that the current system of governance for
28 protection and restoration of Puget Sound is highly fragmented. Twelve
29 counties, more than one hundred cities, seventeen tribes, numerous
30 state and federal agencies, as well as hundreds of special purpose
31 governmental units have responsibilities for managing land use and
32 other actions that benefit or diminish the quality of the environment.
33 Private organizations, business, and citizens are also taking actions
34 that both benefit and harm the rich natural resources of the region.
35 The legislature recognizes that all levels of government need to work
36 together in partnership with the public, tribes, nongovernmental
37 organizations, and the private sector to ensure that Puget Sound will
38 be a thriving natural system, with clean marine and freshwaters; clean

1 sediments; healthy and abundant native species; natural shorelines and
2 places for public enjoyment; and a vibrant economy that prospers in
3 productive harmony with a healthy Puget Sound.

4 (4) The legislature intends for the Puget Sound partnership to
5 define a strategic, basin-wide plan that prioritizes necessary actions,
6 and create an approach that addresses all of the complex connections
7 among the land, water, web of species, and human needs.

8 (5) The legislature finds that immediate and concerted action is
9 needed to save the national treasure that is Puget Sound, and that we
10 must fundamentally change our approach toward restoring the health of
11 Puget Sound. To this end, the Puget Sound partnership is tasked with
12 using, supporting, building upon, and unifying the existing efforts
13 from organizations and from all levels of government.

14 (6) The legislature finds that leadership, accountability,
15 government transparency, thoughtful and responsible spending of public
16 funds, and public involvement are integral to success. To achieve this
17 success, the legislature intends to task the Puget Sound partnership
18 with coordinating and leading the Puget Sound restoration effort,
19 determining accountability for performance, overseeing the efficiency
20 and effectiveness of money spent, educating and engaging the public,
21 and tracking and reporting results to the legislature, the governor,
22 and the public.

23 (7) The legislature intends that the Puget Sound partnership not
24 have regulatory authority, nor authority to transfer the responsibility
25 for, or implementation of, any state regulatory program, unless
26 otherwise specifically authorized by the legislature. The legislature
27 further recognizes that adequate funding is necessary to ensure Puget
28 Sound restoration and protection. The Puget Sound partnership is
29 tasked with supporting local governments and organizations by aiding,
30 funding, and improving upon their existing efforts, by respecting local
31 governments' authorities, and by identifying, funding, and closing the
32 gaps in the collective efforts.

33 (8) The legislature intends the Puget Sound partnership to create
34 an action agenda based on science that includes clear, measurable goals
35 for the recovery of Puget Sound by 2020. The action agenda will
36 prioritize necessary actions, both across the Sound and within specific
37 geographical areas, such as Hood Canal.

1 (9) To this end, it is the goal of the state of Washington that the
2 health of Puget Sound be restored by 2020.

3 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
4 section apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (1) "2020 plan" means the Puget Sound management plan as it exists
7 on the effective date of this section and as it is modified in the
8 future.

9 (2) "Action agenda" means the biennial work plan to implement the
10 2020 plan as required in section 112 of this act.

11 (3) "Action area" means the geographic areas delineated as provided
12 in section 109 of this act.

13 (4) "Action area coordinator" means an entity recognized by the
14 council under section 110 of this act.

15 (5) "Benchmarks" means scientific standards that can be measured.

16 (6) "Council" means the leadership council.

17 (7) "Ecosystem work group" means the interagency body created in
18 section 111 of this act.

19 (8) "Environmental indicator" means a physical, biological, or
20 chemical measurement, statistic, or value that provides a proximate
21 gauge, or evidence of, the state or condition of Puget Sound.

22 (9) "Nearshore" means the area beginning at the crest of coastal
23 bluffs and extending seaward through the marine photics zone, and to
24 the head of tide in coastal rivers and streams. "Nearshore" also means
25 both shoreline and estuaries

26 (10) "Panel" means the Puget Sound science panel.

27 (11) "Partnership" means the Puget Sound partnership.

28 (12) "Puget Sound" means Puget Sound and related inland marine
29 waters, including all salt waters of the state of Washington inside the
30 international boundary line between Washington and British Columbia,
31 and lying east of the junction of the Pacific Ocean and the Strait of
32 Juan de Fuca, and the rivers and streams draining to Puget Sound as
33 mapped by water resource inventory areas 1 through 19 in WAC 173-500-
34 040 as it exists on the effective date of this section.

35 (13) "Watershed groups" means all groups sponsoring or
36 administering watershed programs, including but not limited to local

1 governments, watershed planning units, watershed councils, regional
2 fishery enhancement groups, marine resource committees, and watershed
3 lead entities.

4 (14) "Watershed programs" means and includes all watershed-level
5 plans, programs, projects, and activities that relate to or may
6 contribute to the protection or restoration of Puget Sound waters.
7 Such programs include jurisdiction-wide programs regardless of whether
8 more than one watershed is addressed.

9 NEW SECTION. **Sec. 103.** PUGET SOUND PARTNERSHIP--LEADERSHIP
10 COUNCIL. (1) An independent agency of state government to be known as
11 the Puget Sound partnership is created.

12 (2) The partnership shall be led by a leadership council consisting
13 of seven citizen members appointed by the governor with the advice and
14 consent of the senate and one ex officio member. The regional
15 administrator of the United States environmental protection agency
16 shall be invited to serve as an ex officio voting member. The ex
17 officio member may designate a person to act in his or her stead when
18 unable to attend a meeting. The governor shall appoint members who are
19 publicly respected and influential, and who have a significant history
20 of success on major public policy and management issues, as well as a
21 keen interest in the environmental and economic prosperity of Puget
22 Sound. A member may not have a direct financial interest in any
23 contract, grant, or other funding provided for the implementation of
24 the 2020 plan or action agenda. The governor shall designate one
25 member to serve as chair. Three of the appointed initial members shall
26 be appointed for a term of two years, two for a term of three years,
27 and two for a term of four years. Their successors shall be appointed
28 for terms of four years each, except that any person chosen to fill a
29 vacancy shall be appointed only for the unexpired term of the member
30 whom he or she succeeds. Councilmembers are eligible for
31 reappointment. Any member of the council may be removed by the
32 governor for cause.

33 (3) The leadership council shall be responsible to the governor,
34 the legislature, and the public for leading the recovery of Puget Sound
35 and achieving results.

36 (4) The leadership council shall have the power and duty to:

- 1 (a) Provide overall leadership and have overall responsibility for
2 the functions of the partnership and make final decisions for the
3 partnership;
- 4 (b) Develop, approve, revise, and oversee implementation and
5 adaptive management of the Puget Sound 2020 plan and the biennial
6 action agenda;
- 7 (c) Submit to the governor and the appropriate fiscal and policy
8 committees of the senate and house of representatives a biennial action
9 agenda with an accompanying biennial budget request;
- 10 (d) Allocate funds appropriated to the partnership;
- 11 (e) Review the existing responsibilities of state and local
12 governmental agencies, review the compliance with existing regulatory
13 requirements by state and local government, review and report progress
14 in implementing the 2020 plan and action agenda, including actions
15 inconsistent with plan obligations, as provided in sections 113 through
16 116 of this act, and make recommendations to improve the effectiveness
17 of the programs as they relate to the 2020 plan and action agenda;
- 18 (f) Review current available funding, identify if adequate funding
19 exists for fulfilling existing regulatory requirements, and develop a
20 strategy to secure adequate funding;
- 21 (g) Adopt procedural rules, in accordance with chapter 34.05 RCW,
22 necessary or appropriate to implement this chapter;
- 23 (h) Delineate action areas and recognize area coordinating
24 entities, as provided in sections 109 and 110 of this act;
- 25 (i) Incorporate approved elements of action area plans into the
26 2020 plan and biennial action agenda, and assist and track
27 implementation of these plans;
- 28 (j) Appoint members of the panel, as provided in section 105 of
29 this act;
- 30 (k) Create work groups, subcommittees, advisory committees, and
31 nonprofit corporations, as appropriate to assist the council;
- 32 (l) Enter into, amend, and terminate contracts with individuals,
33 corporations, or research institutions to effectuate the purposes of
34 this chapter;
- 35 (m) Make grants to governmental and nongovernmental entities to
36 effectuate the purposes of this chapter;
- 37 (n) Receive such gifts, grants, and endowments, in trust or
38 otherwise, for the use and benefit of the partnership to effectuate the

1 purposes of this chapter. The partnership may expend the same or any
2 income therefrom according to the terms of the gifts, grants, and
3 endowments;

4 (o) Promote extensive public awareness, education, and
5 participation in Puget Sound protection and recovery and participate in
6 a private-public partnership focused on public education and engagement
7 to effectuate the goals in this chapter;

8 (p) Receive and expend funding from other public agencies;

9 (q) Develop and implement a formal process to review and address
10 citizen concerns regarding developing and implementing the 2020 plan
11 and action agenda, and accountability for funding and actions that are
12 consistent or inconsistent with the requirements of the action agenda;

13 (r) Schedule council meetings periodically in the various areas of
14 Puget Sound at locations convenient for public participation. Each
15 meeting shall include receipt of public comment on council activities.
16 The council shall also work to include in each meeting a discussion of
17 actions implementing the 2020 plan and actions or lack of action that
18 impede plan implementation; and

19 (s) Serve as the regional recovery organization for purposes of
20 chapter 77.85 RCW for Puget Sound salmon recovery as provided in RCW
21 77.85.090.

22 (5) The council may delegate functions to the chair and to the
23 executive director. The council may not delegate its decisional
24 authority regarding developing or amending the action agenda, and
25 issuing progress reports required under subsection (4) of this section.

26 (6) The council shall work closely with existing organizations and
27 all levels of government to ensure that the action agenda and its
28 implementation are scientifically sound, efficient, and achieve
29 necessary results, and that adequate funding is provided to state
30 agencies and local governments to develop, coordinate, and implement
31 the action agenda. The council shall work through recognized area
32 coordinating entities as the principal liaison with existing
33 organizations within an action area.

34 (7) When working with federally recognized Indian tribes to develop
35 and implement the action agenda, the council shall conform to the
36 procedures and standards required in a government-to-governmental
37 relationship with tribes under the 1989 Centennial Accord between the

1 state of Washington and the sovereign tribal governments in the state
2 of Washington.

3 (8) The partnership is designated as the lead state agency for the
4 allocation of federal funds provided to the state for the restoration
5 of Puget Sound. Such funds shall be allocated in conformance with the
6 2020 plan and action agenda, subject to any condition or limitation
7 provided upon the receipt or expenditure of federal funds.

8 (9) Members of the council shall be compensated in accordance with
9 RCW 43.03.220 and be reimbursed for travel expenses in accordance with
10 RCW 43.03.050 and 43.03.060.

11 NEW SECTION. **Sec. 104.** PARTNERSHIP--EXECUTIVE DIRECTOR--POWERS

12 AND DUTIES. (1) The partnership shall be administered by an executive
13 director who serves as a critical communication link between all levels
14 of government, the private sector, nongovernmental organizations, the
15 council, the area coordinating entities, the ecosystem work group, and
16 the panel. The executive director shall be accountable to the council
17 and the governor for effective communication, actions, and results.

18 (2) The council shall recommend a list of not less than three
19 candidates for appointment as executive director by the governor. The
20 governor shall appoint an executive director from the list of
21 candidates. The council and governor shall jointly conduct an annual
22 performance evaluation of the executive director. The executive
23 director serves at the pleasure of the governor, and may be dismissed
24 by the governor upon consultation with the council. The salary of the
25 executive director shall be set by the governor.

26 (3) The executive director has the following powers and duties:

27 (a) To supervise the administration of the Puget Sound partnership
28 and its staff;

29 (b) To administer the partnership programs and budget;

30 (c) To assist the council to prepare and update the Puget Sound
31 2020 plan, in consultation with the panel;

32 (d) To assist the action area coordinators, the panel, and the
33 ecosystem work group to develop their components of the biennial action
34 agenda;

35 (e) To produce and distribute a strategic science program as
36 described in section 105 of this act, in consultation with the panel
37 and with the approval of the council;

1 (f) To prepare a biennial science work plan as described in section
2 105 of this act, in consultation with the panel and with the approval
3 of the council;

4 (g) To prepare a biennial state of the Sound report, with the
5 approval of the council;

6 (h) To produce and distribute a Puget Sound science update no less
7 than every three years, in consultation with the panel and with the
8 approval of the council;

9 (i) To identify successful science-based projects that improve
10 Puget Sound that have been undertaken by local governments, disseminate
11 them to other local governments, and encourage their replication;

12 (j) To represent and promote the interests of the state on Puget
13 Sound recovery issues and further the mission of the partnership;

14 (k) Upon approval of the council, to enter into contracts and
15 agreements with private nonprofit corporations to further preserving,
16 conserving, and enhancing the health of Puget Sound for its ecological
17 value and public benefit and use;

18 (l) To appoint such technical and other committees as may be
19 necessary to carry out the purposes of this chapter;

20 (m) To create and maintain a repository for data, studies,
21 research, and other information relating to Puget Sound health in the
22 state, and to encourage the interchange of such information; and

23 (n) To encourage and provide opportunities for interagency and
24 regional coordination and cooperative efforts between public agencies
25 and between public and private entities involved in the recovery and
26 preservation of Puget Sound.

27 (4) The executive director shall employ a staff, who shall be state
28 employees under Title 41 RCW. The executive director shall prescribe
29 the duties of the staff as may be necessary to implement the purposes
30 of this chapter.

31 NEW SECTION. **Sec. 105.** PUGET SOUND SCIENCE PANEL. (1) The Puget
32 Sound science panel is created. The panel consists of the scientists
33 selected as provided in subsection (2) of this section. The principal
34 purpose of the panel is to provide independent, nonrepresentational
35 scientific expertise in developing environmental indicators and
36 benchmarks for incorporation into the 2020 plan.

1 (2) By November 1, 2007, the council shall solicit nominations of
2 candidate scientists with recognized expertise in the fields essential
3 to Puget Sound recovery, including water quality, wetlands, species
4 recovery, environmental toxicology, geology, ecology, biology,
5 limnology, wildlife management, environmental engineering, civil
6 engineering, hydrology, oceanography, environmental economics, and
7 social sciences. The solicitation should be to all sectors, and
8 candidates may be from all public and private sectors. Candidates must
9 disclose any financial relationship with any leadership council member,
10 and disclose sources of current financial support and contracts
11 relating to Puget Sound recovery.

12 (3) The council shall submit the nominations to the Washington
13 state academy of sciences created in chapter 70.220 RCW for screening.
14 The academy shall review the nominations and report its findings and
15 recommendations to the council.

16 (4) Thereafter, the council shall select not more than fifteen
17 candidates to serve on the panel. The council shall complete the
18 selection of the panel members by January 1, 2008.

19 (5) The panel shall select a chair and a vice-chair. Panel members
20 shall serve four-year terms, except that the panel shall determine
21 initial terms of two, three, four, and five years to provide for
22 staggered terms. The panel shall determine reappointments and select
23 replacements or additional members of the panel. No panel member may
24 serve longer than twelve years.

25 (6) The executive director of the partnership shall provide staff
26 to the panel at least until July 1, 2009. It is the intent of the
27 legislature to ensure ongoing funding for staffing of the panel as an
28 independent entity. The panel shall provide to the council a proposal
29 for the structure and funding of the staffing and administration of the
30 panel independent from that of the partnership, by October 1, 2008.
31 The council shall forward to the governor for inclusion in the 2009-
32 2011 biennial budget a proposal for staffing and administration of the
33 panel that is independent of the partnership.

34 (7) The executive director of the partnership and the science panel
35 shall explore a shared state and federal responsibility for the
36 staffing and administration of the panel. In the event that a
37 federally sponsored office of Puget Sound recovery is created, the

1 council may propose that such office provide for staffing and
2 administration of the panel.

3 (8) The panel to the maximum extent possible should seek to
4 integrate the state-sponsored Puget Sound science program with the
5 Puget Sound science activities of federal agencies, including working
6 toward an integrated research agenda and Puget Sound science work plan.

7 (9) By July 31, 2008, the panel shall identify environmental
8 indicators of the health of Puget Sound, and shall establish
9 environmental benchmarks that need to be achieved to meet the goals of
10 a healthy Puget Sound by 2020. The council shall confer with the panel
11 on incorporating the benchmarks into the 2020 plan.

12 (10) The panel shall assist the council in developing and revising
13 the action agenda, including making recommendations to the council for
14 updates or revisions.

15 (11) The panel shall develop an ecosystem level strategic science
16 program for incorporation by the council into the 2020 plan and
17 biennial action agenda. The program should include:

18 (a) Continuation of the Puget Sound assessment and monitoring
19 program established in the Puget Sound management plan, as provided in
20 RCW 90.71.060, and cooperation with other entities in other regional
21 monitoring programs;

22 (b) Additional provisions of the research and modeling program to
23 be included as an element of the action agenda;

24 (c) A monitoring program, including baselines, protocols,
25 guidelines, and quantifiable performance measures.

26 (12) The panel shall develop a biennial science work plan in
27 cooperation with the executive director for inclusion in the action
28 agenda. The plan shall include but not be limited to:

29 (a) Identification of recommendations from scientific and technical
30 reports relating to Puget Sound;

31 (b) A description of the Puget Sound-related activities being
32 conducted in the region;

33 (c) Identification of specific biennial science work to be done
34 over the course of the work plan; and

35 (d) Recommendations for improvements to the ongoing science work in
36 Puget Sound.

37 (13) The panel shall provide its complete review and comment in a
38 letter to the executive director that is included in the Puget Sound

1 science update. The update shall describe the current scientific
2 understanding of the physical attributes of Puget Sound. The update
3 shall serve as the scientific basis for the refinement of environmental
4 indicators of the health of Puget Sound and the status and trends of
5 those indicators within an ecosystem framework.

6 **Sec. 106.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to
7 read as follows:

8 In addition to other powers and duties specified in this chapter,
9 the ~~((action team))~~ executive director, under guidance from the panel,
10 shall ensure implementation and coordination of the Puget Sound ambient
11 monitoring program established in the Puget Sound management plan. The
12 program shall include, at a minimum:

13 (1) A research program, including but not limited to methods to
14 provide current research information to managers and scientists, and to
15 establish priorities based on the needs of the action team;

16 (2) A monitoring program, including baselines, protocols,
17 guidelines, and ~~((quantifiable performance measures. In consultation
18 with state agencies, local and tribal governments, and other public and
19 private interests, the action team shall develop and track quantifiable
20 performance measures))~~ environmental indicators. The environmental
21 indicators and benchmarks established by the council and the panel
22 shall be monitored and evaluated in a manner that can be used by the
23 governor and the legislature to assess the effectiveness over time of
24 programs and actions initiated under the plan to improve and protect
25 Puget Sound water quality and biological resources. ~~((The performance
26 measures shall be developed by June 30, 1997. The performance measures
27 shall include, but not be limited to a methodology to track the
28 progress of: Fish and wildlife habitat; sites with sediment
29 contamination; wetlands; shellfish beds; and other key indicators of
30 Puget Sound health. State agencies shall assist the action team in the
31 development and tracking of these performance measures. The
32 performance measures may be limited to a selected geographic area.))~~

33 NEW SECTION. **Sec. 107.** 2020 PLAN AND ACTION AGENDA--GOALS AND
34 OBJECTIVES. (1) The Puget Sound 2020 plan and action agenda that are
35 to be implemented under this chapter shall be organized to achieve the
36 following goals:

1 (a) A healthy human population supported by a healthy Puget Sound
2 that is not threatened by changes in the ecosystem;

3 (b) A quality of human life that is sustained by a functioning
4 Puget Sound ecosystem;

5 (c) Healthy and sustaining populations of native species in Puget
6 Sound, including a robust food web;

7 (d) A healthy Puget Sound where freshwater, estuary, nearshore,
8 marine, and upland habitats are protected, restored, and sustained;

9 (e) An ecosystem that is supported by ground water levels as well
10 as river and stream flow levels sufficient to sustain people, fish, and
11 wildlife, and the natural functions of the environment;

12 (f) Fresh and marine waters and sediments that meet state standards
13 and that are of a sufficient quality so that the waters in the region
14 are safe for drinking, swimming, shellfish harvest and consumption, and
15 other human uses and enjoyment, and are not harmful to the native or
16 established marine mammals, fish, birds, shellfish, and other biota of
17 the region.

18 (2) The following are the essential objectives to be addressed in
19 the 2020 plan and action agenda for achieving the goals in subsection
20 (1) of this section:

21 (a) Protect existing habitat and prevent further losses;

22 (b) Restore habitat functions and values;

23 (c) Significantly reduce toxics entering Puget Sound fresh and
24 marine waters;

25 (d) Significantly reduce nutrients and pathogens entering Puget
26 Sound fresh and marine waters;

27 (e) Improve water quality and habitat by managing storm water
28 runoff;

29 (f) Provide water for people, fish and wildlife, and the
30 environment;

31 (g) Protect ecosystem biodiversity and recover imperiled species;
32 and

33 (h) Build and sustain the capacity for action.

34 (3) The plan and action agenda shall recognize that many
35 communities on and near Puget Sound are expected to grow, and should do
36 so in a manner that supports and complements the health and vitality of
37 Puget Sound.

1 NEW SECTION. **Sec. 108.** 2020 PLAN AND ACTION AGENDA--DEVELOPMENT.

2 In developing the 2020 plan and action agenda, the council shall
3 consider and use appropriate portions of the Puget Sound water quality
4 management plan existing on the effective date of this section. Until
5 the 2020 plan and action agenda are adopted, the existing Puget Sound
6 management plan and the 2007-09 Puget Sound biennial plan shall remain
7 in effect. The existing Puget Sound management plan shall also
8 continue to serve as the comprehensive conservation and management plan
9 for the purposes of the national estuary program described in section
10 320 of the federal clean water act, until replaced by the 2020 plan and
11 approved by the United States environmental protection agency as the
12 new comprehensive conservation and management plan.

13 NEW SECTION. **Sec. 109.** INCORPORATING PLANS AND PROJECTS. (1) The

14 council shall develop the action agenda in part upon the foundation of
15 existing watershed programs and regional plans that contribute to the
16 health of Puget Sound. To ensure a full consideration of these
17 watershed activities in a timely manner to meet the required date for
18 adoption of the agenda provided in section 112 of this act, the council
19 shall rely largely upon local watershed entities, tribes, cities,
20 counties, and special purpose districts engaged in developing and
21 implementing these programs.

22 (2) The council shall organize the work of incorporating watershed
23 programs into the action agenda by delineating geographic subregions of
24 Puget Sound. One of the subregions shall be the Hood Canal aquatic
25 rehabilitation zone as established in RCW 90.88.010. The subregions
26 collectively shall cover all of Puget Sound and each subregion shall be
27 denominated a Puget Sound action area. The council shall make
28 geographic delineations based upon the characteristics of Puget Sound
29 considering the water flows and the physical structure of the bottom of
30 Puget Sound, as well as the commonality of interests and restoration
31 challenges presented in the various regions of the Sound.

32 (3) The executive director shall designate a member of the staff to
33 serve as the liaison to each action area. The area liaisons shall work
34 with the sponsors of relevant programs at the watershed and regional
35 level to identify and compile all of the relevant actions from these
36 programs into area action plans for consideration by the council. If
37 recognized by the council under section 110 of this act, the liaison

1 shall work with the area coordinating entity to carry out this
2 compilation. If no entity is recognized, the liaison shall form an
3 inclusive work group to carry out this compilation, and shall request
4 the participation at a minimum of each county, tribe, and each city
5 with a population exceeding fifty thousand people, and any cities
6 discharging storm water or treated municipal waste water to Puget Sound
7 or discharging to a tributary within ten river miles of the Sound.

8 (4) The compilation shall be assembled to identify the applicable
9 plan elements, projects, and programs, together with estimated budgets,
10 timelines, and proposed funding sources. The compilation may include
11 a prioritization among the plan elements, projects, and programs. In
12 order to provide the council an adequate opportunity to consider the
13 compilation for incorporation into the 2009-11 action agenda, the first
14 compilation should be transmitted to the council by July 1, 2008.
15 These plans shall subsequently be updated and submitted to the council
16 by July 1st of every even-numbered year through 2018.

17 NEW SECTION. **Sec. 110.** AREA COORDINATING ENTITIES. (1) The
18 council may recognize an existing entity or an entity formed for the
19 express purpose of collaborating with the Puget Sound partnership and
20 the council in developing and implementing the action agenda. A
21 recognized entity serves as the area coordinating entity within an
22 action area delineated by the council. The Hood Canal coordinating
23 council under chapter 90.88 RCW is recognized as the area coordinating
24 entity for the Hood Canal action area. The council shall work toward
25 recognizing an entity in each action area by December 31, 2009.

26 (2) The council shall determine whether to recognize an entity
27 based upon:

28 (a) The evidence of area-wide support for an entity proposed for
29 recognition, such as resolutions or letters of support from the
30 governing bodies of counties, cities, special purpose districts,
31 tribes, and nongovernmental organizations implementing watershed
32 programs in the area; and

33 (b) The demonstration of the entity's capacity to assist the
34 council in coordinating and integrating watershed programs in the
35 development and implementation of the action agenda.

36 (3) The council may provide financial and technical assistance to
37 a recognized entity or to watershed interests working to form an entity

1 proposed to be recognized as an area coordinating entity. The
2 assistance shall be provided through a memorandum of agreement setting
3 forth the activities of the entity in assisting the council in the
4 development and implementation of the action agenda. The council shall
5 include in its biennial budget request the needed funding to support
6 the work of area coordinating entities.

7 (4) Following compilation of existing watershed plans under section
8 109 of this act, an area coordinating entity serves to promote
9 coordination and integration of watershed plans that address the same
10 geographic areas and the same watershed health, water quality, species
11 recovery, and environmental restoration needs. The coordinator also
12 serves to advise the council on agenda implementation and revisions,
13 and to coordinate the recommendations of area jurisdictions and
14 interests regarding agenda implementation.

15 NEW SECTION. **Sec. 111.** COORDINATING EXISTING PROGRAMS REGARDING
16 PUGET SOUND ECOSYSTEM-LEVEL ACTIONS. (1) The council shall convene a
17 Puget Sound ecosystem work group not later than October 1, 2007. The
18 work group chair shall rotate annually in the following order:

19 (a) The commissioner of public lands, or the commissioner's
20 designee;

21 (b) The director of the department of ecology, or the director's
22 designee;

23 (c) The director of the department of fish and wildlife, or the
24 director's designee; and

25 (d) The chair of the salmon recovery funding board, or the chair's
26 designee.

27 (2) The following shall be invited to participate on the work
28 group:

29 (a) The departments of ecology, natural resources, fish and
30 wildlife, health, and community, trade, and economic development, the
31 conservation commission, and the salmon recovery funding board;

32 (b) A representative of federally recognized tribes with treaty
33 fishery rights in Puget Sound selected by a fisheries commission
34 comprised in part by such tribes;

35 (c) The United States environmental protection agency, the United
36 States army corps of engineers, the national oceanic and atmospheric

1 administration, the United States forest service, and the United States
2 fish and wildlife service; and

3 (d) Up to three nongovernmental organizations implementing or
4 participating in ecosystem-level actions.

5 (3) The chair of the work group may also invite the participation
6 of counties, cities, port districts, or other jurisdictions with
7 significant shoreline and near-shore restoration and protection
8 programs.

9 (4) The primary purpose of the work group is to advise the council
10 by compiling and assembling a 2009-11 action agenda for ecosystem scale
11 restoration and protection plans relating to the Puget Sound basin for
12 the purpose of consideration by the council for incorporation into the
13 Puget Sound action agenda. The work group should work from plans such
14 as the Puget Sound near-shore estuary project, cleanup plans for
15 contaminated aquatic lands and shorelands, aquatic land management
16 plans by the department of natural resources, and other restoration and
17 protection plans. The work group should integrate ecosystem-scale
18 actions from the recovery plans and habitat conservation plans for
19 salmon, orca, and other species in Puget Sound listed under the federal
20 endangered species act. The work group should coordinate its
21 compilation of ecosystem actions with that of the compilation under
22 section 109 of this act of watershed programs.

23 (5) The work group shall hold one or more public meetings in which
24 public comment and additional information may be submitted for
25 inclusion within the compilation.

26 (6) The work group shall submit the compilation to the council not
27 later than June 1, 2008.

28 (7) The work group shall serve as an ongoing advisory body to the
29 council regarding state and federal programs relating to Puget Sound
30 ecosystem-scale actions. The work group, upon request of the council,
31 shall provide advice on integrating existing plans into the Puget Sound
32 action agenda and implementing the agenda.

33 (8) This section, the work group, and its powers and duties expire
34 June 30, 2011.

35 NEW SECTION. **Sec. 112.** 2020 PLAN AND ACTION AGENDA--REQUIREMENTS.

36 (1) The 2020 plan shall:

1 (a) Describe the problems affecting Puget Sound's health using
2 supporting scientific data;

3 (b) Set overall goals, measurable outcomes for each goal
4 specifically describing what will be achieved, how it will be
5 quantified, and how progress towards outcomes will be measured, and
6 time-bound benchmarks that will specify the milestones of that progress
7 needed to reach a healthy Puget Sound by 2020. The council shall
8 consult with the panel in developing these elements of the plan; and

9 (c) Identify and prioritize the strategies necessary to restore and
10 protect the Puget Sound and to achieve the goals described in section
11 107 of this act.

12 (2) On a biennial basis, the action agenda shall:

13 (a) Identify and prioritize the actions necessary to implement the
14 2020 plan and achieve the goals, outcomes, and benchmarks of progress
15 identified in the 2020 plan;

16 (b) Identify the agency, entity, or person responsible for
17 completing the necessary action; and

18 (c) Establish near-term and long-term benchmarks that demonstrate
19 continuous progress toward achieving 2020 goals and describe how
20 progress is to be tracked through clear and quantifiable measures.

21 (3) The 2020 plan and action agenda shall also:

22 (a) Address all geographic areas of Puget Sound including upland
23 areas and tributary rivers and streams that affect Puget Sound, and
24 specific action agenda sections may address specific geographic areas
25 of Puget Sound;

26 (b) Evaluate the effectiveness and efficiency of the overall
27 management system for the improvement and maintenance of the health of
28 the Puget Sound ecosystem;

29 (c) Review, revise as needed, and incorporate as they are
30 developed, the panel's ecosystem goals and quantifiable measures;

31 (d) Integrate, where appropriate, provisions of water quality,
32 sediment quality, water quantity, watershed, marine resource, and other
33 watershed plans, relying primarily upon the integration achieved in
34 area action plans;

35 (e) Incorporate existing plans and agreements signed by the
36 governor, the commissioner of public lands, other state officials, or
37 by federal agencies, that clearly contribute to the protection and
38 restoration of Puget Sound;

1 (f) Incorporate the Puget Sound nearshore ecosystem restoration
2 project authorized by congress under Public Law 8-874, section 209 and
3 Public Law 106-60, with associated plans developed through the Puget
4 Sound nearshore partnership; and

5 (g) Incorporate the science work plan and actions necessary to
6 carry it out.

7 (4) By March 1, 2008, the council shall produce a draft 2020 plan
8 and adopt a final plan by September 1, 2008. The council shall provide
9 opportunity for public review and comment on the proposed 2020 plan and
10 subsequent revisions.

11 (5) By September 1, 2008, based on the work of the action area
12 coordinators and watershed and local interests, the ecosystem work
13 group, and the panel, the council shall adopt the 2009-11 action
14 agenda. After the adoption of the initial action agenda, the council
15 shall revise the action agenda on a biennial basis using an adaptive
16 management process informed by tracking actions and monitoring results
17 in the Puget Sound.

18 (6) The 2020 plan and action agenda shall be organized and
19 maintained in an accessible electronic format and facilitate public
20 accessibility to the plan.

21 NEW SECTION. **Sec. 113.** ACTION AGENDA--IMPLEMENTATION--BUDGET
22 REQUESTS. (1) State agencies implementing elements of the action
23 agenda shall:

24 (a) Provide to the partnership by June 1st of each even-numbered
25 year their estimates of the actions and the level of effort needed for
26 the forthcoming biennium to meet the overall goals, outcomes, targets,
27 and benchmarks in the action agenda; and

28 (b) Work with the partnership in the development of its biennial
29 action agenda budget and seek consistency between the partnership's
30 budget and the agency budget to be submitted to the governor for
31 consideration in the governor's biennial budget request. The agencies
32 shall seek the concurrence of the partnership in the proposed funding
33 levels and sources included in this proposed budget.

34 (2) If a state agency submits an amount inconsistent with the
35 partnership as part of the agency's biennial budget request, the
36 partnership and state agency shall jointly identify the differences,

1 the reasons for these differences, and present this information to the
2 office of financial management by October 1st of each even-numbered
3 year.

4 (3) A state agency seeking federal funding for activities
5 implementing or affecting a provision of the plan shall seek and obtain
6 the comments of the partnership's executive director before submitting
7 the request or application to the federal government. The executive
8 director shall consult with the council chair and provide the comments
9 without delay. This subsection does not apply to continued federal
10 funding of programs in existence before the effective date of this
11 section.

12 NEW SECTION. **Sec. 114.** IMPLEMENTATION--ACCOUNTABILITY. (1) The
13 legislature intends for all local, state, and federal governmental
14 entities to act in conformance with applicable parts of the 2020 plan
15 and action agenda as adopted by the council, beginning with the
16 adoption of the 2020 plan and the 2009-11 action agenda, and
17 anticipates that state and local entities will accept their appropriate
18 responsibility to recover the Sound to health by 2020.

19 (2) The council shall be accountable for achieving the action
20 agenda. The council shall be accountable for all funds allocated to
21 the partnership, and shall report the expenditure of the funds and
22 results achieved in the progress reports required under section 116 of
23 this act.

24 (3) The council shall adopt measures to ensure that funds
25 appropriated for implementation of the action agenda and identified by
26 proviso in the omnibus appropriations act pursuant to RCW
27 43.88.030(1)(g) are expended in a manner that will achieve the intended
28 results. The council may establish performance measures for the
29 expenditures of the funds consistent with the responsibilities and
30 timelines under the action agenda, and require reporting and tracking
31 of funds expended. State agencies may incorporate applicable
32 provisions of the performance measures as conditions in their grant and
33 loan awards to nonstate agencies or organizations. The council may
34 adopt other measures, such as requiring interagency agreements
35 regarding the expenditure of provisoed Puget Sound funds, and
36 scheduling periodic management conferences with state agencies
37 implementing Puget Sound programs.

1 (4) Any entity that receives state funds to implement specific
2 elements of the 2020 plan and action agenda shall report annually to
3 the council on progress in completing its responsibilities and whether
4 expected results have been achieved within the timeframes specified in
5 the 2020 plan and action agenda. Where the council determines that an
6 entity has taken actions inconsistent with the 2020 plan and action
7 agenda or has failed to take actions required, the council may request
8 the office of financial management to withhold or rescind the subject
9 funds or other funds.

10 (5) The council shall review the actions of nonstate entities
11 undertaking implementation of specific elements of the action agenda.
12 If the council determines that an entity's actions are inconsistent
13 with the plan, the council shall offer technical assistance to the
14 entity for the purpose of bringing the entity into conformance with the
15 plan. The council shall include in the progress report required under
16 section 116 of this act the nonperformance of any entity and those
17 entities that refuse technical assistance under this section. The
18 report shall include a description of how the entity is not in
19 conformance and the basis for the nonconformance, including but not
20 limited to a lack of funding, a lack of legal authority, or conflicting
21 legal authority. The report shall also describe actions the council
22 took to try to bring the entity into conformance.

23 (6) The council shall conduct periodic management conferences with
24 state agencies regarding compliance with and enforcement of existing
25 laws. The results of the conferences shall be included in the progress
26 report required under section 116 of this act. The management
27 conference should include assessment of performance by the
28 administering agencies in seeking compliance with and enforcement of
29 the following existing laws:

- 30 (a) Water pollution control act, chapter 90.48 RCW;
- 31 (b) Shoreline management act, chapter 90.58 RCW;
- 32 (c) Growth management act, chapter 36.70A RCW;
- 33 (d) Oil and hazardous substance spill prevention and response act,
34 chapter 90.56 RCW;
- 35 (e) Model toxics control act, chapter 70.105D RCW;
- 36 (f) Hazardous waste management act, chapter 70.105 RCW;
- 37 (g) Hydraulic project approval act, chapter 77.55 RCW;

- 1 (h) Aquatic lands management, chapters 79.100, 79.105, 79.110,
2 79.115, 79.120, 79.125, 79.130, 79.135, and 79.140 RCW;
3 (i) Forest practices act, chapter 76.09 RCW; and
4 (j) The federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

5 NEW SECTION. **Sec. 115.** CONFLICT RESOLUTION. (1) The council
6 shall provide a forum for addressing and resolving conflicts that it
7 has identified in the implementation of the plan and action agenda, or
8 that citizens or implementing entities bring to the council. The
9 council may use conflict resolution mechanisms such as but not limited
10 to technical and financial assistance, facilitated discussions, and
11 mediation to resolve the conflict. Where the parties and the council
12 are unable to resolve the conflict, and the conflict significantly
13 impairs the implementation of an element of the 2020 plan or action
14 agenda, the council shall provide its analysis of the conflict and
15 recommendations for resolution to the governor, the legislature, and to
16 those entities with jurisdictional authority to resolve the conflict.

17 (2) When the council identifies or has been informed of a conflict
18 among statutes or policies arising under this chapter and other
19 statutes, rules, ordinances, regulations, or policies that are relied
20 upon in implementing the 2020 plan, and the council determines that the
21 conflict prevents or hinders local government or state agency actions
22 needed to conform with the 2020 plan, the council shall make
23 recommendations to the agency, the governor, the legislature, the local
24 government, or other appropriate entity for addressing and resolving
25 the conflict.

26 NEW SECTION. **Sec. 116.** REPORTS. (1) By September 1, 2008, the
27 council shall provide to the governor and the appropriate fiscal and
28 policy committees of the senate and house of representatives its
29 recommendations for the funding necessary to implement the action
30 agenda through 2020, in order to achieve the 2020 goals of this
31 chapter. The recommendations shall:

- 32 (a) Identify funding needs by plan element and identify the time
33 periods in which specific funding is needed;
34 (b) Address funding responsibilities among local, state, and
35 federal governments, as well as nongovernmental funding;

1 (c) Identify methods to secure stable and sufficient funding
2 throughout the time periods for plan implementation, including
3 proposals for new sources of funding to be dedicated to Puget Sound
4 protection and recovery; and

5 (d) Address funding needs to support the work of the 2020 plan and
6 action agenda development and coordination, including the action area
7 coordinators, the ecosystem work group, and the panel.

8 (2) Beginning November 1, 2010, the council shall report every two
9 years by November 1st to the governor, the legislature, and the public
10 on progress under the action agenda. The report shall include but is
11 not limited to:

12 (a) The comments by the panel, area coordinating entities, and the
13 ecosystem work group;

14 (b) An assessment of whether entities that have received state
15 funds for specific actions under the action agenda have accomplished
16 expected results. If expected results are not achieved by an entity
17 receiving state funds, the council shall include recommendations to the
18 governor and the legislature other options to achieve plan-related
19 results with the same funds;

20 (c) A case study of at least one of the existing programs that
21 assesses that program's efficacy and expenditures devoted to Puget
22 Sound protection and recovery for consistency with the action agenda;

23 (d) Recommendations for funding necessary to maintain the timelines
24 in the 2020 plan, that supplement or update the recommendations made in
25 the 2008 report under subsection (1) of this section; and

26 (e) The council's recognition of individuals, businesses, and
27 governmental entities that have achieved exemplary success in
28 implementing elements of the 2020 plan. The council shall incorporate
29 descriptions of these successful actions into the partnership's public
30 outreach and involvement program materials.

31 (3) Where the council identifies deficiencies in existing statutory
32 authority to accomplish an element of the 2020 plan or action agenda,
33 the council shall provide its recommendations in the form of proposed
34 legislation to the governor and appropriate committees of the
35 legislature. Where the deficient authority is in federal law, the
36 council shall forward its recommendation to the governor and to the
37 appropriate committees of the legislature for consideration in
38 memorializing the congress to remedy the deficiency.

1 NEW SECTION. **Sec. 117.** TRIENNIAL PERFORMANCE AUDITS. (1) The
2 joint legislative audit and review committee shall conduct triennial
3 performance audits of the partnership, with the first audit to be
4 completed October 1, 2011.

5 (2) The audit shall include but not be limited to:

6 (a) A determination of the extent to which funds expended by the
7 partnership or provided in biennial budget acts expressly for
8 implementing the 2020 plan have contributed toward meeting the
9 scientific benchmarks and the recovery goals of the 2020 plan;

10 (b) A determination of the efficiency and effectiveness of the
11 partnership's oversight of action agenda implementation, based upon the
12 achievement of the objectives as measured by the established
13 environmental indicators and benchmarks; and

14 (c) Any recommendations for improvements in the partnership's
15 performance and to provide accountability for agenda results by action
16 entities.

17 (3) The partnership may use the audits as the basis for developing
18 changes to the 2020 plan and action agenda, and may submit any
19 recommendations requiring legislative policy or budgetary action to the
20 governor and to the appropriate committees of the senate and house of
21 representatives.

22 NEW SECTION. **Sec. 118.** TRANSFER OF POWERS, DUTIES, AND
23 FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The
24 Puget Sound action team is hereby abolished and its powers, duties, and
25 functions are hereby transferred to the Puget Sound partnership as
26 consistent with this chapter. All references to the chair or the Puget
27 Sound action team in the Revised Code of Washington shall be construed
28 to mean the executive director or the Puget Sound partnership.

29 (2)(a) All employees of the Puget Sound action team are transferred
30 to the jurisdiction of the Puget Sound partnership.

31 (b) All reports, documents, surveys, books, records, files, papers,
32 or written material in the possession of the Puget Sound action team
33 shall be delivered to the custody of the Puget Sound partnership. All
34 cabinets, furniture, office equipment, motor vehicles, and other
35 tangible property employed by the Puget Sound action team shall be made
36 available to the Puget Sound partnership. All funds, credits, or other

1 assets held by the Puget Sound action team shall be assigned to the
2 Puget Sound partnership.

3 (c) Any appropriations made to the Puget Sound action team shall,
4 on the effective date of this section, be transferred and credited to
5 the Puget Sound partnership.

6 (d) If any question arises as to the transfer of any personnel,
7 funds, books, documents, records, papers, files, equipment, or other
8 tangible property used or held in the exercise of the powers and the
9 performance of the duties and functions transferred, the director of
10 financial management shall make a determination as to the proper
11 allocation and certify the same to the state agencies concerned.

12 (3) All rules and all pending business before the Puget Sound
13 action team shall be continued and acted upon by the Puget Sound
14 partnership. All existing contracts and obligations shall remain in
15 full force and shall be performed by the Puget Sound partnership.

16 (4) The transfer of the powers, duties, functions, and personnel of
17 the Puget Sound action team shall not affect the validity of any act
18 performed before the effective date of this section.

19 (5) If apportionments of budgeted funds are required because of the
20 transfers directed by this section, the director of financial
21 management shall certify the apportionments to the agencies affected,
22 the state auditor, and the state treasurer. Each of these shall make
23 the appropriate transfer and adjustments in funds and appropriation
24 accounts and equipment records in accordance with the certification.

25 (6) Nothing contained in this section may be construed to alter any
26 existing collective bargaining unit or the provisions of any existing
27 collective bargaining agreement until the agreement has expired or
28 until the bargaining unit has been modified by action of the public
29 employment relations commission as provided by law.

30 NEW SECTION. **Sec. 119.** PUGET SOUND RECOVERY ACCOUNT. The Puget
31 Sound recovery account is created in the state treasury. To the
32 account shall be deposited such funds as the legislature directs or
33 appropriates to the account. There shall also be deposited to the
34 account federal funds provided to the state for the protection and
35 recovery of Puget Sound except where such deposit would conflict with
36 federal law or a condition upon the state's receipt of such funds.

1 Moneys in the account may be spent only after appropriation.
2 Expenditures from the account may be used for the protection and
3 recovery of Puget Sound.

4 NEW SECTION. **Sec. 120.** Each state agency responsible for
5 implementing provisions of the Puget Sound action agenda developed
6 under section 108 of this act shall use its existing legal authorities
7 to the fullest extent possible to conform to the applicable
8 requirements and timelines of the agenda.

9 NEW SECTION. **Sec. 121.** PART HEADINGS AND CAPTIONS NOT LAW. Part
10 headings and captions used in this act are not any part of the law.

11 **Sec. 122.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to
12 read as follows:

13 (1) The (~~action team~~) department of health shall establish a
14 shellfish - on-site sewage grant program in Puget Sound and for Pacific
15 and Grays Harbor counties. The (~~action team~~) department of health
16 shall provide funds to local health jurisdictions to be used as grants
17 to individuals for improving their on-site sewage systems. The grants
18 may be provided only in areas that have the potential to adversely
19 affect water quality in commercial and recreational shellfish growing
20 areas. A recipient of a grant shall enter into an agreement with the
21 appropriate local health jurisdiction to maintain the improved on-site
22 sewage system according to specifications required by the local health
23 jurisdiction. The (~~action team~~) department of health shall work
24 closely with local health jurisdictions and shall endeavor to attain
25 geographic equity between Willapa Bay and the Puget Sound when making
26 funds available under this program. For the purposes of this
27 subsection, "geographic equity" means issuing on-site sewage grants at
28 a level that matches the funds generated from the oyster reserve lands
29 in that area.

30 (2) In the Puget Sound, the (~~action team~~) department of health
31 shall give first priority to areas that are:

32 (a) Identified as "areas of special concern" under WAC 246-272-
33 01001; or

34 (b) Included within a shellfish protection district under chapter
35 90.72 RCW.

1 (3) In Grays Harbor and Pacific counties, the ((~~action team~~))
2 department of health shall give first priority to preventing the
3 deterioration of water quality in areas where commercial or
4 recreational shellfish are grown.

5 (4) The ((~~action team~~)) department of health and each participating
6 local health jurisdiction shall enter into a memorandum of
7 understanding that will establish an applicant income eligibility
8 requirement for individual grant applicants from within the
9 jurisdiction and other mutually agreeable terms and conditions of the
10 grant program.

11 (5) The ((~~action team~~)) department of health may recover the costs
12 to administer this program not to exceed ten percent of the shellfish
13 - on-site sewage grant program.

14 ~~((6) For the 2001-2003 biennium, the action team may use up to
15 fifty percent of the shellfish on-site sewage grant program funds for
16 grants to local health jurisdictions to establish areas of special
17 concern under WAC 246-272-01001, or for operation and maintenance
18 programs therein, where commercial and recreational uses are present.))~~

19 NEW SECTION. Sec. 123. A new section is added to chapter 41.06
20 RCW to read as follows:

21 In addition to the exemptions under RCW 41.06.070, the provisions
22 of this chapter shall not apply in the Puget Sound partnership to the
23 executive director, one confidential secretary, and all professional
24 staff.

25 **Sec. 124.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to
26 read as follows:

27 There shall be departments of the state government which shall be
28 known as (1) the department of social and health services, (2) the
29 department of ecology, (3) the department of labor and industries, (4)
30 the department of agriculture, (5) the department of fish and wildlife,
31 (6) the department of transportation, (7) the department of licensing,
32 (8) the department of general administration, (9) the department of
33 community, trade, and economic development, (10) the department of
34 veterans affairs, (11) the department of revenue, (12) the department
35 of retirement systems, (13) the department of corrections, (14) the
36 department of health, (15) the department of financial institutions,

1 (16) the department of archaeology and historic preservation, (~~and~~)
2 (17) the department of early learning, and (18) the Puget Sound
3 partnership, which shall be charged with the execution, enforcement,
4 and administration of such laws, and invested with such powers and
5 required to perform such duties, as the legislature may provide.

6 **Sec. 125.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to
7 read as follows:

8 There shall be a chief executive officer of each department to be
9 known as: (1) The secretary of social and health services, (2) the
10 director of ecology, (3) the director of labor and industries, (4) the
11 director of agriculture, (5) the director of fish and wildlife, (6) the
12 secretary of transportation, (7) the director of licensing, (8) the
13 director of general administration, (9) the director of community,
14 trade, and economic development, (10) the director of veterans affairs,
15 (11) the director of revenue, (12) the director of retirement systems,
16 (13) the secretary of corrections, (14) the secretary of health, (15)
17 the director of financial institutions, (16) the director of the
18 department of archaeology and historic preservation, (~~and~~) (17) the
19 director of early learning, and (18) the executive director of the
20 Puget Sound partnership.

21 Such officers, except the director of fish and wildlife, shall be
22 appointed by the governor, with the consent of the senate, and hold
23 office at the pleasure of the governor. The director of fish and
24 wildlife shall be appointed by the fish and wildlife commission as
25 prescribed by RCW 77.04.055.

26 **Sec. 126.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
27 read as follows:

28 For the purposes of RCW 42.17.240, the term "executive state
29 officer" includes:

30 (1) The chief administrative law judge, the director of
31 agriculture, the administrator of the Washington basic health plan, the
32 director of the department of services for the blind, the director of
33 the state system of community and technical colleges, the director of
34 community, trade, and economic development, the secretary of
35 corrections, the director of early learning, the director of ecology,
36 the commissioner of employment security, the chair of the energy

1 facility site evaluation council, the secretary of the state finance
2 committee, the director of financial management, the director of fish
3 and wildlife, the executive secretary of the forest practices appeals
4 board, the director of the gambling commission, the director of general
5 administration, the secretary of health, the administrator of the
6 Washington state health care authority, the executive secretary of the
7 health care facilities authority, the executive secretary of the higher
8 education facilities authority, the executive secretary of the horse
9 racing commission, the executive secretary of the human rights
10 commission, the executive secretary of the indeterminate sentence
11 review board, the director of the department of information services,
12 the director of the interagency committee for outdoor recreation, the
13 executive director of the state investment board, the director of labor
14 and industries, the director of licensing, the director of the lottery
15 commission, the director of the office of minority and women's business
16 enterprises, the director of parks and recreation, the director of
17 personnel, the executive director of the public disclosure commission,
18 the executive director of the Puget Sound partnership, the director of
19 retirement systems, the director of revenue, the secretary of social
20 and health services, the chief of the Washington state patrol, the
21 executive secretary of the board of tax appeals, the secretary of
22 transportation, the secretary of the utilities and transportation
23 commission, the director of veterans affairs, the president of each of
24 the regional and state universities and the president of The Evergreen
25 State College, and each district and each campus president of each
26 state community college;

27 (2) Each professional staff member of the office of the governor;

28 (3) Each professional staff member of the legislature; and

29 (4) Central Washington University board of trustees, board of
30 trustees of each community college, each member of the state board for
31 community and technical colleges, state convention and trade center
32 board of directors, committee for deferred compensation, Eastern
33 Washington University board of trustees, Washington economic
34 development finance authority, The Evergreen State College board of
35 trustees, executive ethics board, forest practices appeals board,
36 forest practices board, gambling commission, life sciences discovery
37 fund authority board of trustees, Washington health care facilities
38 authority, each member of the Washington health services commission,

1 higher education coordinating board, higher education facilities
2 authority, horse racing commission, state housing finance commission,
3 human rights commission, indeterminate sentence review board, board of
4 industrial insurance appeals, information services board, interagency
5 committee for outdoor recreation, state investment board, commission on
6 judicial conduct, legislative ethics board, liquor control board,
7 lottery commission, marine oversight board, Pacific Northwest electric
8 power and conservation planning council, parks and recreation
9 commission, (~~personnel appeals board,~~) board of pilotage
10 commissioners, pollution control hearings board, public disclosure
11 commission, public pension commission, shorelines hearing board, public
12 employees' benefits board, salmon recovery funding board, board of tax
13 appeals, transportation commission, University of Washington board of
14 regents, utilities and transportation commission, Washington state
15 maritime commission, Washington personnel resources board, Washington
16 public power supply system executive board, Washington State University
17 board of regents, Western Washington University board of trustees, and
18 fish and wildlife commission.

19 NEW SECTION. **Sec. 127.** A new section is added to chapter 36.01
20 RCW to read as follows:

21 Each county responsible for implementing provisions of the Puget
22 Sound action agenda developed under section 108 of this act shall use
23 its existing legal authorities to the fullest extent possible to
24 conform to the applicable requirements and timelines of the agenda.

25 NEW SECTION. **Sec. 128.** A new section is added to chapter 35.21
26 RCW to read as follows:

27 Each city responsible for implementing provisions of the Puget
28 Sound action agenda developed under section 108 of this act shall use
29 its existing legal authorities to the fullest extent possible to
30 conform to the applicable requirements and timelines of the agenda.

31 NEW SECTION. **Sec. 129.** A new section is added to chapter 53.08
32 RCW to read as follows:

33 Each port district responsible for implementing provisions of the
34 Puget Sound action agenda developed under section 108 of this act shall

1 use its existing legal authorities to the fullest extent possible to
2 conform to the applicable requirements and timelines of the agenda.

3 **Sec. 130.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to
4 read as follows:

5 (1) The southwest Washington salmon recovery region, whose
6 boundaries are provided in chapter 60, Laws of 1998, is created.

7 (2) Lead entities within a salmon recovery region that agree to
8 form a regional salmon recovery organization may be recognized by the
9 salmon recovery office as a regional recovery organization. The
10 regional recovery organization may plan, coordinate, and monitor the
11 implementation of a regional recovery plan in accordance with RCW
12 77.85.150. Regional recovery organizations existing as of July 24,
13 2005, that have developed draft recovery plans approved by the
14 governor's salmon recovery office by July 1, 2005, may continue to
15 plan, coordinate, and monitor the implementation of regional recovery
16 plans.

17 (3) Beginning January 1, 2008, the leadership council, created
18 under chapter 90.71 RCW, shall serve as the regional salmon recovery
19 organization for Puget Sound salmon species. The Hood Canal
20 coordinating council under chapter 90.88 RCW serves as the regional
21 salmon recovery organization for the Hood Canal summer chum.

22 **PART 2**
23 **INFRASTRUCTURE FUNDING FOR THE PUGET SOUND PARTNERSHIP**

24 NEW SECTION. **Sec. 201.** The legislature finds that it is in the
25 public interest that state-assisted infrastructure projects in the
26 Puget Sound basin that relate to or affect Puget Sound's protection and
27 restoration be financed with a comprehensive understanding of
28 Sound-wide priorities and needs consistent with the goals and
29 objectives of the Puget Sound action agenda. The legislature further
30 finds that this may best be accomplished by integrating the Puget Sound
31 2020 plan's goals and objectives into existing financial assistance
32 programs, processes, and project ranking criteria. Therefore the
33 legislature intends to provide initial steps for such integration in
34 three major public works grant and loan programs, and to direct a

1 comprehensive assessment of methods to achieve such integration in
2 these programs and other state infrastructure programs that affect
3 Puget Sound's protection and restoration.

4 **Sec. 202.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section shall apply throughout this chapter.

8 (1) "Board" means the public works board created in RCW 43.155.030.

9 (2) "Capital facility plan" means a capital facility plan required
10 by the growth management act under chapter 36.70A RCW or, for local
11 governments not fully planning under the growth management act, a plan
12 required by the public works board.

13 (3) "Council" means the Puget Sound partnership's leadership
14 council created in section 103 of this act.

15 (4) "Department" means the department of community, trade, and
16 economic development.

17 ((+4)) (5) "Financing guarantees" means the pledge of money in the
18 public works assistance account, or money to be received by the public
19 works assistance account, to the repayment of all or a portion of the
20 principal of or interest on obligations issued by local governments to
21 finance public works projects.

22 ((+5)) (6) "Local governments" means cities, towns, counties,
23 special purpose districts, and any other municipal corporations or
24 quasi-municipal corporations in the state excluding school districts
25 and port districts.

26 ((+6)) (7) "Public works project" means a project of a local
27 government for the planning, acquisition, construction, repair,
28 reconstruction, replacement, rehabilitation, or improvement of streets
29 and roads, bridges, water systems, or storm and sanitary sewage systems
30 and solid waste facilities, including recycling facilities. A planning
31 project may include the compilation of biological, hydrological, or
32 other data on a county, drainage basin, or region necessary to develop
33 a base of information for a capital facility plan.

34 ((+7)) (8) "Puget Sound applications" means those applications for
35 funding of public works projects located within water resource
36 inventory areas 1 through 19 in WAC 173-500-040 as it exists on the
37 effective date of this section.

1 (9) "Puget Sound 2020 plan" means the plan for the protection and
2 restoration of Puget Sound required by section 112 of this act.

3 (10) "Solid waste or recycling project" means remedial actions
4 necessary to bring abandoned or closed landfills into compliance with
5 regulatory requirements and the repair, restoration, and replacement of
6 existing solid waste transfer, recycling facilities, and landfill
7 projects limited to the opening of landfill cells that are in existing
8 and permitted landfills.

9 ~~((8))~~ (11) "Technical assistance" means training and other
10 services provided to local governments to: (a) Help such local
11 governments plan, apply, and qualify for loans and financing guarantees
12 from the board, and (b) help local governments improve their ability to
13 plan for, finance, acquire, construct, repair, replace, rehabilitate,
14 and maintain public facilities.

15 **Sec. 203.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to
16 read as follows:

17 (1) To qualify for loans or pledges under this chapter the board
18 must determine that a local government meets all of the following
19 conditions:

20 (a) The city or county must be imposing a tax under chapter 82.46
21 RCW at a rate of at least one-quarter of one percent;

22 (b) The local government must have developed a capital facility
23 plan; and

24 (c) The local government must be using all local revenue sources
25 which are reasonably available for funding public works, taking into
26 consideration local employment and economic factors.

27 (2) Except where necessary to address a public health need or
28 substantial environmental degradation, a county, city, or town planning
29 under RCW 36.70A.040 must have adopted a comprehensive plan, including
30 a capital facilities plan element, and development regulations as
31 required by RCW 36.70A.040. This subsection does not require any
32 county, city, or town planning under RCW 36.70A.040 to adopt a
33 comprehensive plan or development regulations before requesting or
34 receiving a loan or loan guarantee under this chapter if such request
35 is made before the expiration of the time periods specified in RCW
36 36.70A.040. A county, city, or town planning under RCW 36.70A.040
37 which has not adopted a comprehensive plan and development regulations

1 within the time periods specified in RCW 36.70A.040 is not prohibited
2 from receiving a loan or loan guarantee under this chapter if the
3 comprehensive plan and development regulations are adopted as required
4 by RCW 36.70A.040 before submitting a request for a loan or loan
5 guarantee.

6 (3) In considering awarding loans for public facilities to special
7 districts requesting funding for a proposed facility located in a
8 county, city, or town planning under RCW 36.70A.040, the board shall
9 consider whether the county, city, or town planning under RCW
10 36.70A.040 in whose planning jurisdiction the proposed facility is
11 located has adopted a comprehensive plan and development regulations as
12 required by RCW 36.70A.040.

13 (4) The board shall develop a priority process for public works
14 projects as provided in this section. The intent of the priority
15 process is to maximize the value of public works projects accomplished
16 with assistance under this chapter. The board shall attempt to assure
17 a geographical balance in assigning priorities to projects. The board
18 shall consider at least the following factors in assigning a priority
19 to a project:

20 (a) Whether the local government receiving assistance has
21 experienced severe fiscal distress resulting from natural disaster or
22 emergency public works needs;

23 (b) The evaluation of Puget Sound applications under section 204 of
24 this act, and the recommendations of the council regarding Puget Sound
25 applications;

26 (c) Whether the project is critical in nature and would affect the
27 health and safety of a great number of citizens;

28 ~~((+e))~~ (d) The cost of the project compared to the size of the
29 local government and amount of loan money available;

30 ~~((+d))~~ (e) The number of communities served by or funding the
31 project;

32 ~~((+e))~~ (f) Whether the project is located in an area of high
33 unemployment, compared to the average state unemployment;

34 ~~((+f))~~ (g) Whether the project is the acquisition, expansion,
35 improvement, or renovation by a local government of a public water
36 system that is in violation of health and safety standards, including
37 the cost of extending existing service to such a system;

1 ~~((g))~~ (h) The relative benefit of the project to the community,
2 considering the present level of economic activity in the community and
3 the existing local capacity to increase local economic activity in
4 communities that have low economic growth; and

5 ~~((h))~~ (i) Other criteria that the board considers advisable.

6 (5) Existing debt or financial obligations of local governments
7 shall not be refinanced under this chapter. Each local government
8 applicant shall provide documentation of attempts to secure additional
9 local or other sources of funding for each public works project for
10 which financial assistance is sought under this chapter.

11 (6) Before November 1st of each year, the board shall develop and
12 submit to the appropriate fiscal committees of the senate and house of
13 representatives a description of the loans made under RCW 43.155.065,
14 43.155.068, and subsection (9) of this section during the preceding
15 fiscal year and a prioritized list of projects which are recommended
16 for funding by the legislature, including one copy to the staff of each
17 of the committees. The list shall include, but not be limited to, a
18 description of each project and recommended financing, the terms and
19 conditions of the loan or financial guarantee, the local government
20 jurisdiction and unemployment rate, demonstration of the jurisdiction's
21 critical need for the project and documentation of local funds being
22 used to finance the public works project. The list shall also include
23 measures of fiscal capacity for each jurisdiction recommended for
24 financial assistance, compared to authorized limits and state averages,
25 including local government sales taxes; real estate excise taxes;
26 property taxes; and charges for or taxes on sewerage, water, garbage,
27 and other utilities.

28 (7) The board shall not sign contracts or otherwise financially
29 obligate funds from the public works assistance account before the
30 legislature has appropriated funds for a specific list of public works
31 projects. The legislature may remove projects from the list
32 recommended by the board. The legislature shall not change the order
33 of the priorities recommended for funding by the board.

34 (8) Subsection (7) of this section does not apply to loans made
35 under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

36 (9) Loans made for the purpose of capital facilities plans shall be
37 exempted from subsection (7) of this section.

1 (10) To qualify for loans or pledges for solid waste or recycling
2 facilities under this chapter, a city or county must demonstrate that
3 the solid waste or recycling facility is consistent with and necessary
4 to implement the comprehensive solid waste management plan adopted by
5 the city or county under chapter 70.95 RCW.

6 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.155
7 RCW to read as follows:

8 (1) The board shall include at least one evaluator from the council
9 staff to participate in the board's evaluation team for the evaluation
10 of Puget Sound applications and the development of a prioritized list
11 of projects to recommend for funding from the account.

12 (2) The board shall provide the evaluation team's evaluations and
13 award proposals to the council for review. If the council determines
14 that the award proposals are inconsistent with the priorities and
15 provisions of the Puget Sound 2020 plan, the council may provide its
16 recommendations to the board for its consideration before adopting a
17 funding list for recommendation to the legislature.

18 (3) The board and council shall collaborate in reviewing the
19 board's eligibility and evaluation criteria to ensure consistency with
20 the goals and objectives of the Puget Sound 2020 plan.

21 **Sec. 205.** RCW 70.146.020 and 1995 2nd sp.s. c 18 s 920 are each
22 amended to read as follows:

23 ~~((Unless the context clearly requires otherwise,))~~ The definitions
24 in this section apply throughout this chapter unless the context
25 clearly requires otherwise.

26 (1) "Account" means the water quality account in the state
27 treasury.

28 (2) "Council" means the Puget Sound partnership's leadership
29 council created in section 103 of this act.

30 (3) "Department" means the department of ecology.

31 ~~((+3))~~ (4) "Eligible cost" means the cost of that portion of a
32 water pollution control facility that can be financed under this
33 chapter excluding any portion of a facility's cost attributable to
34 capacity that is in excess of that reasonably required to address one
35 hundred ten percent of the applicant's needs for water pollution

1 control existing at the time application is submitted for assistance
2 under this chapter.

3 ~~((4))~~ (5) "Puget Sound 2020 plan" means the plan for the
4 protection and restoration of Puget Sound required by section 112 of
5 this act.

6 (6) "Puget Sound applications" means those applications for funding
7 of water pollution control facilities and activities located within
8 water resource inventory areas 1 through 19 in WAC 173-500-040 as it
9 exists on the effective date of this section.

10 (7) "Water pollution control facility" or "facilities" means any
11 facilities or systems for the control, collection, storage, treatment,
12 disposal, or recycling of wastewater, including but not limited to
13 sanitary sewage, storm water, residential, commercial, industrial, and
14 agricultural wastes, which are causing water quality degradation due to
15 concentrations of conventional, nonconventional, or toxic pollutants.
16 Water pollution control facilities include all equipment, utilities,
17 structures, real property, and interests in and improvements on real
18 property necessary for or incidental to such purpose. Water pollution
19 control facilities also include such facilities, equipment, and
20 collection systems as are necessary to protect federally designated
21 sole source aquifers. "Water pollution control facilities" also
22 includes facilities or systems that treat storm water discharges or
23 delay peak storm water runoff, such as low-impact development projects.

24 ~~((5))~~ (8) "Water pollution control activities" means actions
25 taken by a public body for the following purposes: (a) To prevent or
26 mitigate pollution of underground water; (b) to control nonpoint
27 sources of water pollution; (c) to restore the water quality of fresh
28 water lakes; and (d) to maintain or improve water quality through the
29 use of water pollution control facilities or other means. ~~((During the~~
30 ~~1995-1997 fiscal biennium, "water pollution control activities"~~
31 ~~includes activities by state agencies to protect public drinking water~~
32 ~~supplies and sources.~~

33 ~~(6))~~ (9) "Public body" means the state of Washington or any
34 agency, county, city or town, conservation district, other political
35 subdivision, municipal corporation, quasi-municipal corporation, and
36 those Indian tribes now or hereafter recognized as such by the federal
37 government.

1 (~~(7)~~) (10) "Water pollution" means such contamination, or other
2 alteration of the physical, chemical, or biological properties of any
3 waters of the state, including change in temperature, taste, color,
4 turbidity, or odor of the waters, or such discharge of any liquid,
5 gaseous, solid, radioactive, or other substance into any waters of the
6 state as will or is likely to create a nuisance or render such waters
7 harmful, detrimental, or injurious to the public health, safety, or
8 welfare, or to domestic, commercial, industrial, agricultural,
9 recreational, or other legitimate beneficial uses, or to livestock,
10 wild animals, birds, fish, or other aquatic life.

11 (~~(8)~~) (11) "Nonpoint source water pollution" means pollution that
12 enters any waters of the state from any dispersed water-based or land-
13 use activities, including, but not limited to, atmospheric deposition,
14 surface water runoff from agricultural lands, urban areas, and forest
15 lands, subsurface or underground sources, and discharges from boats or
16 other marine vessels.

17 (~~(9)~~) (12) "Sole source aquifer" means the sole or principal
18 source of public drinking water for an area designated by the
19 administrator of the environmental protection agency pursuant to Public
20 Law 93-523, Sec. 1424(b).

21 **Sec. 206.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to
22 read as follows:

23 (1) When making grants or loans for water pollution control
24 facilities, the department shall consider the following:

25 (a) The protection of water quality and public health;

26 (b) The cost to residential ratepayers if they had to finance water
27 pollution control facilities without state assistance;

28 (c) Actions required under federal and state permits and compliance
29 orders;

30 (d) The level of local fiscal effort by residential ratepayers
31 since 1972 in financing water pollution control facilities;

32 (e) The extent to which the applicant county or city, or if the
33 applicant is another public body, the extent to which the county or
34 city in which the applicant public body is located, has established
35 programs to mitigate nonpoint pollution of the surface or subterranean
36 water sought to be protected by the water pollution control facility
37 named in the application for state assistance; and

1 (f) The recommendations of the Puget Sound (~~action team~~)
2 partnership provided under section 207 of this act and any other board,
3 council, commission, or group established by the legislature or a state
4 agency to study water pollution control issues in the state.

5 (2) Except where necessary to address a public health need or
6 substantial environmental degradation, a county, city, or town planning
7 under RCW 36.70A.040 may not receive a grant or loan for water
8 pollution control facilities unless it has adopted a comprehensive
9 plan, including a capital facilities plan element, and development
10 regulations as required by RCW 36.70A.040. This subsection does not
11 require any county, city, or town planning under RCW 36.70A.040 to
12 adopt a comprehensive plan or development regulations before requesting
13 or receiving a grant or loan under this chapter if such request is made
14 before the expiration of the time periods specified in RCW 36.70A.040.
15 A county, city, or town planning under RCW 36.70A.040 which has not
16 adopted a comprehensive plan and development regulations within the
17 time periods specified in RCW 36.70A.040 is not prohibited from
18 receiving a grant or loan under this chapter if the comprehensive plan
19 and development regulations are adopted as required by RCW 36.70A.040
20 before submitting a request for a grant or loan.

21 (3) Whenever the department is considering awarding grants or loans
22 for public facilities to special districts requesting funding for a
23 proposed facility located in a county, city, or town planning under RCW
24 36.70A.040, it shall consider whether the county, city, or town
25 planning under RCW 36.70A.040 in whose planning jurisdiction the
26 proposed facility is located has adopted a comprehensive plan and
27 development regulations as required by RCW 36.70A.040.

28 NEW SECTION. **Sec. 207.** A new section is added to chapter 70.146
29 RCW to read as follows:

30 (1) The department shall include at least one evaluator from the
31 council staff to participate in the department's evaluator work group
32 for the evaluation of Puget Sound applications and the award of grants
33 and loans to such applicants.

34 (2) The department shall provide the evaluator work group
35 evaluations and award proposals to the council for review. If the
36 council determines that the award proposals are inconsistent with the

1 priorities and provisions of the action agenda, the council may provide
2 its recommendations to the department for its consideration before
3 making final award decisions.

4 (3) The department and council shall collaborate in reviewing the
5 department's eligibility and rating criteria to ensure consistency with
6 the goals and objectives of the Puget Sound action agenda.

7 **Sec. 208.** RCW 90.50A.010 and 1988 c 284 s 2 are each amended to
8 read as follows:

9 ~~((Unless the context clearly requires otherwise,))~~ The definitions
10 in this section apply throughout this chapter unless the context
11 clearly requires otherwise.

12 (1) "Council" means the Puget Sound partnership's leadership
13 council created in section 103 of this act.

14 (2) "Department" means the department of ecology.

15 ~~((+2))~~ (3) "Eligible cost" means the cost of that portion of a
16 water pollution control facility or activity that can be financed under
17 this chapter.

18 ~~((+3))~~ (4) "Fund" means the water pollution control revolving fund
19 in the custody of the state treasurer.

20 ~~((+4))~~ (5) "Puget Sound 2020 plan" means the plan for the
21 protection and restoration of Puget Sound required by section 112 of
22 this act.

23 (6) "Puget Sound applications" means those applications for funding
24 of water pollution control facilities and activities located within
25 water resource inventory areas 1 through 19 in WAC 173-500-040 as it
26 exists on the effective date of this section.

27 (7) "Water pollution control facility" or "water pollution control
28 facilities" means any facilities or systems owned or operated by a
29 public body for the control, collection, storage, treatment, disposal,
30 or recycling of wastewater, including but not limited to sanitary
31 sewage, storm water, combined sewer overflows, residential, commercial,
32 industrial, and agricultural wastes, which are causing water quality
33 degradation due to concentrations of conventional, nonconventional, or
34 toxic pollutants. Water pollution control facilities include all
35 equipment, utilities, structures, real property, and interests in and
36 improvements on real property necessary for or incidental to such
37 purpose. Water pollution control facilities also include such

1 facilities, equipment, and collection systems as are necessary to
2 protect federally designated sole source aquifers. "Water pollution
3 control facilities" also includes facilities or systems that treat
4 storm water discharges or delay peak storm water runoff, such as low-
5 impact development projects.

6 ((+5+)) (8) "Water pollution control activities" means actions
7 taken by a public body for the following purposes: (a) To control
8 nonpoint sources of water pollution; (b) to develop and implement a
9 comprehensive management plan for estuaries; and (c) to maintain or
10 improve water quality through the use of water pollution control
11 facilities or other means.

12 ((+6+)) (9) "Public body" means the state of Washington or any
13 agency, county, city or town, other political subdivision, municipal
14 corporation or quasi-municipal corporation, and those Indian tribes now
15 or hereafter recognized as such by the federal government.

16 ((+7+)) (10) "Water pollution" means such contamination, or other
17 alteration of the physical, chemical, or biological properties of any
18 waters of the state, including change in temperature, taste, color,
19 turbidity, or odor of the waters, or such discharge of any liquid,
20 gaseous, solid, radioactive, or other substance into any waters of the
21 state as will or is likely to create a nuisance or render such waters
22 harmful, detrimental, or injurious to the public health, safety, or
23 welfare, or to domestic, commercial, industrial, agricultural,
24 recreational, or other legitimate beneficial uses, or to livestock,
25 wild animals, birds, fish, or other aquatic life.

26 ((+8+)) (11) "Nonpoint source water pollution" means pollution that
27 enters any waters of the state from any dispersed water-based or land-
28 use activities, including, but not limited to, atmospheric deposition,
29 surface water runoff from agricultural lands, urban areas, and forest
30 lands, subsurface or underground sources, and discharges from boats or
31 other marine vessels.

32 ((+9+)) (12) "Federal capitalization grants" means grants from the
33 federal government provided by the water quality act of 1987 (P.L. 100-
34 4).

35 NEW SECTION. **Sec. 209.** A new section is added to chapter 90.50A
36 RCW to read as follows:

37 (1) The department shall include at least one evaluator from the

1 council staff to participate in the department's evaluator work group
2 for the evaluation of Puget Sound applications and the award of loans
3 to such applicants.

4 (2) The department and council shall collaborate in reviewing the
5 department's eligibility and rating criteria to ensure consistency with
6 the goals and objectives of the Puget Sound action agenda.

7 (3) The department shall provide the evaluator work group
8 evaluations and award proposals to the council for review. If the
9 council determines that the award proposals are inconsistent with the
10 priorities and provisions of the action agenda, the council may provide
11 its recommendations to the department for its consideration before
12 making final award decisions.

13 **PART 3**
14 **MISCELLANEOUS PROVISIONS**

15 NEW SECTION. **Sec. 301.** (1) The Puget Sound partnership's
16 leadership council, created in section 103 of this act, shall review
17 the following state funding programs that provide state funding for
18 facilities and activities that may contribute to the implementation of
19 the Puget Sound agenda:

- 20 (a) The water quality account, chapter 70.146 RCW;
- 21 (b) The water pollution control revolving fund, chapter 90.50A RCW;
- 22 (c) The public works assistance account, chapter 43.155 RCW;
- 23 (d) The aquatic lands enhancement account, RCW 79.105.150;
- 24 (e) The state toxics control account and local toxics control
25 account and clean-up program, chapter 70.105D RCW;
- 26 (f) The acquisition of habitat conservation and outdoor recreation
27 land, chapter 79A.15 RCW;
- 28 (g) The salmon recovery funding board, RCW 77.85.110 through
29 77.85.150;
- 30 (h) The community economic revitalization board, chapter 43.160
31 RCW;
- 32 (i) Other state financial assistance to water quality-related
33 projects and activities; and
- 34 (j) Water quality financial assistance from federal programs
35 administered through state programs or provided directly to local
36 governments in the Puget Sound basin.

1 (2) The review shall be conducted in collaboration with the state
2 agencies that administer these programs.

3 (3) The council's review shall include but not be limited to:

4 (a) Conducting an overview of the program governing laws and
5 policies, the timelines of application processes and projects, existing
6 performance measures used, and the programming limitations and
7 restrictions;

8 (b) Determining the level of funding and types of projects and
9 activities funded through the programs that contribute to
10 implementation of the Puget Sound agenda;

11 (c) Evaluating the procedures and criteria in each program for
12 determining which projects and activities to fund, and their
13 relationship to the goals and priorities of the Puget Sound agenda;

14 (d) Assessing methods for ensuring that the goals and priorities of
15 the Puget Sound agenda are given priority when program funding
16 decisions are made regarding water quality-related projects and
17 activities in the Puget Sound basin and habitat-related projects and
18 activities in the Puget Sound basin;

19 (e) Modifying funding criteria so that projects, programs, and
20 activities that are inconsistent with the action agenda are ineligible
21 for funding;

22 (f) Assessing ways to incorporate a strategic funding approach for
23 the Puget Sound agenda within the outcome-focused performance measures
24 required by RCW 43.41.270 in administering natural resource-related and
25 environmentally based grant and loan programs;

26 (g) Assessing ways through the funding allocations for Puget Sound
27 to reflect the geographic areas of Puget Sound for cleanup emphasis
28 identified in the Puget Sound agenda;

29 (h) Evaluating the form of the assistance provided, such as low-
30 interest and no-interest loans, grants, and technical assistance, and
31 which forms of assistance are more appropriate in accomplishing
32 different types of projects and activities needed for implementing the
33 Puget Sound agenda;

34 (i) Whether entities that are private or quasi-public in nature and
35 not now eligible to receive funding from the programs should be made
36 eligible to seek funding, and what conditions upon funding would ensure
37 that the public's interest in fiscal accountability and transparency in
38 the use of public funds is protected;

1 (j) Whether additional types of projects or activities should be
2 made eligible for funding where the projects or activities are
3 consistent with the primary purposes of the program and will also
4 contribute to implementation of the Puget Sound agenda;

5 (k) Whether state policies for the disposal, acquisition, or
6 development of state lands are compatible or contrary to the goals and
7 priorities of the Puget Sound agenda;

8 (l) The rigor of evaluation of project application in each program
9 regarding assumptions and estimations of project benefits, including
10 contributions toward implementation of the Puget Sound agenda; and

11 (m) Recommendations for improving the programs to further the Puget
12 Sound action agenda and to integrate the Puget Sound partnership in
13 project awards relating to or contributing to Puget Sound restoration
14 and protection.

15 (4) In addition to the review required in subsection (2) of this
16 section, the salmon recovery funding board and the council shall review
17 the roles of the board and the council in funding salmon recovery
18 projects and activities in Puget Sound. The board and council shall
19 include recommendations for integrating these activities to reduce
20 administrative costs of grant monitoring and to ensure that the
21 priorities for salmon recovery projects funded by the board and the
22 priorities of the 2020 plan and action agenda are aligned.

23 (5) The state agencies and boards administering the programs
24 specified in subsection (1) of this section shall cooperate in
25 providing to the council information as required for the council's
26 review. The council shall provide its recommendations in draft form to
27 each of the administering agencies and consider their comments prior to
28 finalizing the council's review and recommendations.

29 (6) By November 1, 2008, the council shall provide a preliminary
30 summary of its review and recommendations to the governor and
31 appropriate fiscal and policy committees of the senate and house of
32 representatives. By November 1, 2009, the council shall provide final
33 summary and recommendations, including proposed legislation to
34 implement the recommendation, to the governor and appropriate fiscal
35 and policy committees of the senate and house of representatives.

36 NEW SECTION. **Sec. 302.** RCW 90.71.005, 90.71.902, and 90.71.903
37 are each decodified.

1 NEW SECTION. **Sec. 303.** RCW 90.71.100 is recodified as a new
2 section in chapter 70.118 RCW.

3 NEW SECTION. **Sec. 304.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 90.71.010 (Definitions) and 1996 c 138 s 2;
- 6 (2) RCW 90.71.015 (Environmental excellence program agreements--
7 Effect on chapter) and 1997 c 381 s 30;
- 8 (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &
9 1996 c 138 s 3;
- 10 (4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996
11 c 138 s 4;
- 12 (5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;
- 13 (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s
14 6;
- 15 (7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;
- 16 (8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;
- 17 (9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;
- 18 and
- 19 (10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

20 NEW SECTION. **Sec. 305.** Sections 101 through 105 and 107 through
21 121 of this act are each added to chapter 90.71 RCW.

22 NEW SECTION. **Sec. 306.** Sections 201 through 209 of this act take
23 effect July 1, 2008.

24 NEW SECTION. **Sec. 307.** Sections 101 through 130 and 301 through
25 304 of this act are necessary for the immediate preservation of the
26 public peace, health, or safety, or support of the state government and
27 its existing public institutions, and take effect July 1, 2007.

--- END ---